

FILED 11 FEB 7 14:47 USDC-OR

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

CURTIS A. FIFIELD and  
DEBBIE A. HILL,

Plaintiffs,

v.

Case Number 10-3071-CL

REPORT AND RECOMMENDATION

COUNTRYWIDE HOME LOANS,  
INC., et al.,

Defendants.

CLARKE, Magistrate Judge.

Plaintiff brought this action *pro se* against Defendants alleging various claims under federal and state law arising out of foreclosure proceedings on their residence. To date, summons has not been issued, nor does the record contain any indication that Plaintiffs have ever served the complaint on Defendants. By order of the court (#2), the parties were to file a pretrial order by December 27, 2010. To date, no pretrial order has been lodged.

On January 6, 2011, Plaintiffs were ordered to show cause in writing why this action should not be dismissed in its entirety for failure to serve the complaint and for want of prosecution. Plaintiffs were cautioned that failure to respond to the Court's order by February 4, 2011, would result in dismissal of the case. To date, Plaintiffs have not responded to the Court's

order.

Because Plaintiffs have failed to respond to the Court's Order to Show Cause or to take any other action to prosecute their case, it is recommended that this action be dismissed for failure to prosecute and failure to comply with the Court's orders.

**This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals.** Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order.

The Report and Recommendation will be referred to a district judge. **Objections to this Report and Recommendation, if any, are due by February 28, 2011. If objections are filed, any response to the objections is due by March 17, 2011.** Fed. R. Civ. P. 72, 6.

Failure to timely file objections to any factual determination of the Magistrate Judge will be considered a waiver of a party's right to *de novo* consideration of the factual issues, and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 7 day of February, 2011.

  
MARK D. CLARKE  
United States Magistrate Judge